

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY  
PRODUCTS LIABILITY LITIGATION

Case No. 4:22-MD-03047-YGR

MDL No. 3047

### This Document Relates to:

# ALL LOCAL GOVERNMENT AND SCHOOL DISTRICT ACTIONS

**CASE MANAGEMENT ORDER NO. 8:**

**[PROPOSED] STIPULATED  
IMPLEMENTATION ORDER  
GOVERNING ADOPTION OF MASTER  
COMPLAINT (LOCAL GOVERNMENT  
AND SCHOOL DISTRICT) AND  
SHORT-FORM COMPLAINTS FOR  
FILED CASES**

## I. APPLICABILITY AND SCOPE OF ORDER

1. This Implementation Order (“Order”) applies only to Local Government Entities and School Districts, including school districts, municipalities, county district attorneys, and counties, who have asserted or seek to assert claims related to Defendants’ social media platforms (“Local Government and School District Plaintiffs”) consistent with the scope of the October 11, 2022 Transfer Order initiating these MDL proceedings and the November 16, 2023 and November 21, 2023 Orders establishing a separate motion to dismiss briefing track and subcommittee for claims brought by Local Government and School District Plaintiffs.<sup>1</sup> See ECF Nos. 450, 451. No

<sup>1</sup> This Order does not apply to government entity cases filed by a State Attorney General or to personal injury cases.

1 claims by Local Government and School District Plaintiffs may be asserted in current or future  
 2 filed cases in this MDL other than pursuant to the terms of this Order. This Order applies to cases  
 3 directly filed in this MDL and those transferred, removed, or otherwise assigned, to this proceeding  
 4 (collectively, “this MDL proceeding”). This Order is binding on all Parties and their counsel in all  
 5 such cases. This Order is not intended to alter the applicable provisions of the Federal Rules of  
 6 Civil Procedure or the Local Rules of this Court, except as specified herein or in any subsequent  
 7 Pretrial Order. Defendants preserve all defenses, including jurisdictional and venue challenges, to  
 8 any claims brought in this MDL pursuant to this Order.

9 **II. MASTER PLEADINGS**

10       **A. MASTER COMPLAINT (LOCAL GOVERNMENT AND SCHOOL**  
 11       **DISTRICT PLAINTIFFS)**

12       2. **Timing.** Pursuant to a Minute Order entered on November 16, 2023,<sup>2</sup> the Local  
 13 Government and School District Plaintiffs’ Steering Committee (PSC) filed a *Plaintiffs’ Master*  
 14 *Complaint (Local Government and School District Plaintiffs)* (“Master Complaint”) on December  
 15 18, 2023.

16       3. **Effect of Master Complaint.** All claims pleaded in the *Master Complaint* will  
 17 supersede and replace all claims for a Local Government and School District Plaintiff in any action  
 18 pending in this MDL, except for those claims separately asserted in the Short-Form Complaint per  
 19 the below. Nothing in this Order shall preclude the PSC from seeking leave to amend the *Master*  
 20 *Complaint* as provided in the Federal Rules of Civil Procedure or preclude any Defendant from  
 21 opposing such leave.

22       **B. SHORT-FORM COMPLAINT**

23       4. Attached as **Exhibit A** to the *Master Complaint*, and this Order is a template form  
 24 *Short-Form Complaint* (“SFC”) for use by Local Government and School District Plaintiffs in  
 25 current and future-filed cases in this MDL.

26       5. The SFC is an abbreviated form that each individual Local Government and School  
 27 District Plaintiff will complete, indicating their individual claims, the Defendants against whom

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28 <sup>2</sup> Dkt. 450.

1 they are bringing those claims, and adopting the applicable factual allegations set forth in the  
 2 *Master Complaint* as the basis for those individual claims plus any additional factual allegations  
 3 the Local Government and School District Plaintiff includes in their SFC. Each Local Government  
 4 and School District Plaintiff who claims injury arising from Defendants' platforms shall file a  
 5 separate SFC setting forth their individual claims. By this process, all allegations applicable to the  
 6 specific Defendants named in the SFC that are set forth in the *Master Complaint* shall be deemed  
 7 pleaded against those Defendants.

8       6. For each such action by a Local Government and School District Plaintiff, the  
 9 *Master Complaint* (and any subsequent amendments) and the SFC (and any subsequent  
 10 amendments) shall be deemed the Plaintiff's operative Complaint.

11       7. Each SFC filed in this MDL proceeding shall indicate the federal district where the  
 12 individual Plaintiff(s) originally filed or would have originally filed their Complaint.

13       8. The procedures for filing the *Master Complaint* and the SFC do not reflect that the  
 14 Defendants have agreed to or admitted the allegations set forth in those pleadings, nor have the  
 15 Defendants conceded or waived their right to dispute the legal validity of the claims alleged therein.

16       9. **Timing and Effect of Filing Short Form Complaints**

17           a. **Complaints Transferred, or in the Process of Being Transferred, to this**  
**MDL Before the Filing of this Order:** Any Local Government and School District Plaintiff whose  
 19 Complaint was transferred to this MDL or was in process of being transferred to this MDL before  
 20 the date of filing this Order must file a SFC in their individual case, referencing their individual  
 21 docket number to avoid the triggering of a filing fee, by January 30, 2024 or 14 days after entry of  
 22 this Order, whichever is later. For purposes of statutes of limitations and statutes of repose, any  
 23 such Local Government and School District Plaintiff shall be deemed to have filed their Complaint  
 24 as of the date they filed their original Complaint, and not the date of the *Master Complaint* or the  
 25 date they filed the SFC. Nothing in this Order or the filing of a SFC shall be construed as a prior  
 26 dismissal or amendment of a prior Complaint, but the prior Complaint shall no longer be deemed  
 27 the operative Complaint.

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1                   **b. All Other Local Government and School District Complaints**

2                   i. **Direct Filed cases:** All Local Government and School District  
 3 Plaintiffs must file their SFC electronically in this MDL. The Court refers the Plaintiffs' counsel to  
 4 Case Management Order No. 4 – Direct Filing Order (“CMO-4”), or any amendments to CMO-4,<sup>3</sup>  
 5 which is incorporated herein and should be reviewed and followed. For purposes of statutes of  
 6 limitations and statutes of repose, any such Local Government and School District Plaintiff shall  
 7 be deemed to have filed their Complaint as of the date they filed their SFC and not the date of the  
 8 Master Complaint, except for any Local Government and School District Plaintiff who filed a  
 9 Complaint in this MDL pursuant to CMO-4 before this Order was entered, the date on which they  
 10 filed such Complaint shall be the relevant date.

11                  ii. **Transferred cases:** Any Local Government and School District  
 12 Plaintiff whose case becomes part of this MDL after the date of this Order by transfer from another  
 13 district or from another judge in this district, must file a SFC within 20 days from the date of transfer  
 14 or, if originally filed in this district, assignment to this Court. For purposes of statutes of limitations  
 15 and statutes of repose, any such Local Government and School District Plaintiff shall be deemed to  
 16 have filed their Complaint as of the date they filed their original Complaint in a different judicial  
 17 district or in this district and not the date of the Master Complaint or the date they filed their SFC.

18                  c. **No Multi-Plaintiff Local Government and School District Complaints:**  
 19 Each Local Government and School District Plaintiff must have an individual Complaint on file.  
 20 Any Local Government and School District Plaintiff who asserts claims in a multi-plaintiff  
 21 Complaint that is pending or that is subsequently transferred to this MDL must file an individual  
 22 SFC by January 30, 2024 or 14 days after entry of this Order, whichever is later, or 20 days from  
 23 the date that the Court posts the applicable Transfer Order on its docket.

24                  **III. RESPONSE TO MASTER COMPLAINT AND SHORT-FORM COMPLAINTS**

25                  10. To eliminate potential delays and to promote judicial efficiency with respect to the  
 26 administration of this MDL proceeding, all SFCs filed in this MDL proceeding are deemed  
 27 answered and denied, without waiver of any defense or right to move to dismiss, and with full

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28                  <sup>3</sup> Dkt. 119.

1 preservation of all arguments and defenses that may be raised in any responsive pleading that may  
 2 be required by future order of the Court or motion to dismiss.

3 **IV. SERVICE OF PROCESS**

4 **A. SERVICE OF PROCESS OF NEWLY NAMED DEFENDANTS**

5 11. Local Government and School District Plaintiffs may file an action against any  
 6 Defendant not named in the current *Master Complaint* ("Newly Named Defendants") directly in  
 7 the MDL by using the *Short-Form Complaint*<sup>4</sup> and the *Master Complaint* which is deemed adopted  
 8 into any filed SFC.

9 12. By this Order, Local Government and School District Plaintiffs who name any  
 10 *Newly Named Defendant* in their SFC may effectuate service of process on each *Newly Named*  
 11 *Defendant* by serving upon each *Newly Named Defendant* named in the SFC, in accordance with  
 12 Rule 4 of the Federal Rules of Civil Procedure with the following:

- 13           a. a copy of the *Master Complaint*;
- 14           b. the SFC;
- 15           c. a copy of this Order; and,
- 16           d. a Summons.

17 13. The right of Defendants and *Newly Named Defendants* to challenge jurisdiction and  
 18 venue are hereby preserved and explicitly not waived by Plaintiffs' direct filing of SFCs.

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<sup>4</sup> See ¶¶ 7, 9 of the SFC.

1           **B. SERVICE OF PROCESS OF THE DEFENDANTS NAMED IN THE**  
2           **CURRENT MASTER COMPLAINT**

3           14. As set out in and pursuant to CMO-4, Section II (G), as amended [see ECF No. 177,  
4           at ¶ 14], for SFCs that are properly filed in this MDL, a number of “*Currently Named Defendants*”  
5           agree to waive formal service of summons and accept E-mail service. Those same procedures shall  
6           apply here.

7           **IT IS SO ORDERED,**

8           Dated: \_\_\_\_\_, 2024

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10           \_\_\_\_\_  
11           YVONNE GONZALEZ ROGERS  
12           UNITED STATES DISTRICT JUDGE

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